

REMARKS

The Examiner indicated in the Advisory Action dated August 18, 2005, that the Amendment filed May 3, 2005, in this application has been entered. Therefore, claims 1-3, 16, 17, 19-22 and 24 are pending.

Upon entry of the instant Amendment, claims 1-3, 16, 17 and 19 will be pending.

No new matter has been added. Entry of this amendment is respectfully requested.

I. Rejection of Claims Under 35 U.S.C. §102

In the Advisory Action dated August 18, 2005, the Examiner states that the Amendment filed May 3, 2005, does not place the application in condition for allowance because claims 2 and 19 remain rejected under 35 U.S.C. §102(b) in view of GenEmbl accession number Y11416 and Kaghad et al. The Examiner maintains that the polypeptide of Kaghad et al. inherently possesses apoptosis inducing activity, and thus anticipates the hybridizing polynucleotides of claim 2 and claim 19.

Included herewith is an amendment to claim 2 such that the claim no longer recites hybridizing polynucleotides. As Kaghad et al. does not teach the polynucleotide of SEQ ID NO:2, Kaghad et al. does not anticipate the subject matter of the amended claim, or of claim 19.

As Kaghad et al. does not anticipate claim 2 or 19, Applicants respectfully request reconsideration and withdrawal of this rejection.

II. Rejection of Claims Under 35 U.S.C. §112

The rejection of claims 1, 16, 17 and 22, under 35 U.S.C. §112, first paragraph, as lacking adequate written description, has also been maintained in the Advisory Action.

The Examiner states in the Advisory Action that the recited functional characteristics of transcriptional control, growth inhibition and/or apoptosis induction are not associated with any specific domain of SEQ ID NO:1, but instead are associated with the full length protein sequence for which only 50% homology is recited.

Included herewith is an amendment to claim 1, and a cancellation of claim 22, such that all homologues have been cancelled from the claims.

In view of amendment to the claims, Applicants respectfully contend that the claims have adequate written description support in the specification. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

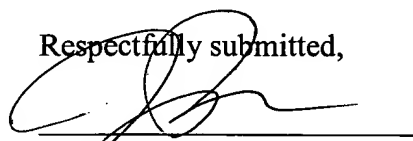
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Respectfully submitted,


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